would nevertheless be sufficient if it was conclusively believed. But because the learned District Judge failed to appreciate the importance of it, his grounds of judgment afford no indication that he gave to Kassim's evidence the careful consideration which its importance demanded, or that he reached any real conclusion upon it. His only reference to Kassim's evidence is in the following passage :—

> It is also corroborated as regards this matter by P.W. 10 (Kassim). Both P.W. 9 (the wife) and P.W. 10 identified the 2nd accused as the man who went to P.W. 7's house on 14/1/47. There are discrepancies in their evidence, but as the events took place six months previously I did not attach great importance to them, neither did I attach great importance to their evidence, but kept an open mind about it.

I am therefore left in this position :—

(1) Corroboration of the accomplice's evidence was required;

(2) The corroboration then became the determining factor in the case;

(3) Certain corroboration was afforded by the evidence of Kassim;

(4) The learned District Judge misdirected himself in relying upon other matters as affording corroboration;

(5) I am invited to say, from the passage in the judgment which I have quoted above, that the learned District Judge found Kassim's evidence to be conclusive.

The passage is quite insufficient to enable me to do so. It is clear that having misdirected himself in relying upon matters which did not afford corroboration, he did not adequately consider the only evidence which did.

The appeal must be allowed. The conviction and sentence are quashed, and the appellant must be discharged.

Appeal Allowed.
Conviction and Sentence Quashed.

TAN CHENG HONG v. REX.

[App. Crim. Juris. (Murray-Aynsley, C.J.) Jan. 23, 1948]
[Singapore — Magistrate's Appeal No. 126 of 1947]

Criminal Procedure — Statement to Police officer — Confession.

In this case the accused was charged with extortion. A letter of the usual type had been sent and after a report to the Police by the recipient, a detective was sent to the rendezvous. The detective gave evidence and said that the accused, a stranger, turned up and a conversation took place in the course of which the detective showed the accused the letter in question and asked "Is this yours?" "Was this letter sent by your people?". The Detective further said that the accused answered "Yes".

Held, that in this case the statement amounted to a confession and that evidence should have been excluded.

MAGISTRATE'S APPEAL.

A. P. Rajah for the Appellant.

Lim Koon Teck (D. P. P.) for the Respondent.

Murray-Aynsley, C. J. : — In this case there was a charge of extortion.

A letter of the usual type was sent, and the recipient wisely reported to the police. A detective was sent to the rendezvous and the appellant, a stranger, arrived. There was a conversation in the course of which the detective showed the appellant the letter in question and asked "Is this yours?" "Was this this letter sent by your people?" The appellant answered 'yes".

Now it appears to me necessary to distinguish between what is a statement about extrinsic matters and what is part of the offence. That is to say, words which constitute an offence by themselves must be distinguished from words which raise the inference that the accused has committed other acts. In cases of this sort where the detective has conversation with a suspect it is sometimes difficult to make the distinction. But I think that the question was on the wrong side of the line. If, on the other hand, the appellant had uttered a threat to the detective it would have been an offence by itself and not a confession of an offence.

The appeal must be allowed.

Appeal Allowed.

PALANIAPPA CHITTY v. RAVENA MANA MAIYAMMAI ACHI (M.W.).

[C. A. (Murray-Aynsley, C.J., Singapore, Pretheroe, Ag. C.J., F. of M.; Brown, J.) March 1, 1948]
[Singapore — Civil Appeal No. 1 of 1948]

Rules of the Supreme Court, 1934, O. 47 r. 4 — Question of paying money into Court by trustees, executors or administrators.

In this case an interlocutory order was made upon an application under Order 47 rule 4 ordering the Defendant to deposit in Court to the credit of the action the sum of $40,212/- being two-thirds of the amount of $60,318/- which came into the hands of the administrator. The defendant appealed.

Held, (Murray-Aynsley, C.J., Singapore, dissenting), that money will not be ordered to be paid into Court by trustees, executors or administrators unless there are admissions that the money is actually in their hands and that it is not sufficient that the money has been in their hands.